

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 149/AIL/Lab./J/2010, dated 12th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 8/2006, dated 13-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Anglo-French Textiles Employees Co-operative Society Limited, Puducherry and Pudukai Mill Thozhilalar Sangam (CITU), over non-employment of Thiru M. Sengueny has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,

Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
Presiding Officer-cum-
II Additional District Judge.

Tuesday, the 13th day of April 2010.

I.D. No. 8/2006

The President,
Pudukai Mill Thozhilalar Sangam,
Puducherry . . . Petitioner.

Versus

The President,
AFT Employees' Co-operative Society,
AFT Mill, Pondicherry . . . Respondent.

This case coming on 8-4-2010 for final hearing before me in the presence of Thiru Durai Arumugam, appearing for the petitioner and Thiru P. Krishnamoorthy, Advocate for the respondent, upon hearing both sides, on perusing the records and having stood over till this day for consideration, this court passed the following:—

AWARD

This industrial dispute has been referred to as per the G.O. Rt. No.27/2008/Lab./AIL/J, dated 13-3-2006 for adjudicating the following:—

1. Whether the non-employment of Thiru M. Sengueny by the management of M/s. Anglo-French Textiles Employees' Co-operative Credit Society Limited, P. 377, Pondicherry is justified or not?

2. If not, to what relief, he is entitled to?

3. To compute the relief, if any, awarded in terms of money if it can be so computed.

2. The facts of the industrial dispute in brief is as follows:—

The AFT Employees' Co-operative Credit Society was formed for the employees of Anglo-French Textiles and that the petitioner has worked in the respondent society from 1982 as Clerk. Due to closure of Anglo-French Textiles in the year 1984 and consequent stoppage of business transaction of the respondent-society, a total number of seven Clerks of the society including the petitioner were retrenched. At the time of retrenchment, they were advised that they would be recalled when the mill is reopening.

The AFT mill was reopening in the year 1986. Consequent upon the reopening of the mill, the respondent society was reopened. But the respondent society has not recalled the said Sengeni. On coming to know that his colleagues were joined duty, the said Sengeni approached the respondent society and requested them to give employment to him. The respondent society told that since he has not asked, they have not given employment to him. In fact the respondent society has given job to some of the workers, who were having political influence. Thereupon the said Sengeni approached the petitioner union and on their advise, he sent letters to the respondent society. Since the respondent society has not given job, he filed the present petition for reinstatement with full back wages.

3. *Per contra*, traversing the averments in the claim statement, the respondent filed the counter with the following averments:—

It is true that for the employees of Anglo-French Textiles, the AFT Employees' Co-operative Credit Society was formed and that the petitioner workman Sengeni has worked in the respondent society from 1982 as Clerk. It is also true that due to closure of Anglo-French Textile in the year 1984 and consequent stoppage of business transaction of the respondent society, a total number of seven Clerks of the society including that of the petitioner workman were retrenched.

On reopening of the said textile mills, the business transaction of the respondent society has also restarted and the management of the society informed all its erstwhile employees to report for duty. In response to that nine such erstwhile employees namely, 1. S. Sitarasan, 2. N. M. Vijayakumar, 3. M. Sengeny (the petitioner herein), 4. S. Jaganmohan, 5. S. Eyyadiradjane, 6. C. Marudhu, 7. S. Patchiappan, 8. P. Sundaram and 9. S. Nagalingam have submitted a joint written representation, dated 31-3-1986 requesting the management to reemploy them in the society. The management of the respondent society has considered their demand and passed a resolution on 11-10-2007 to that effect and obtained sanction from the Registrar, Pondicherry Co-operative Societies for reemployment of six employees including the petitioner workman. No call letter was sent to any of the said employees from the society and out of the said seven employees except the petitioner workman, all the other employees have reported for duty. More than thousand employees have reported for duty on the basis of the announcement made by the Government in respect of reopening of the mill.

One S. Sitarasan, who has joined duty, has met the petitioner workman several times and requested him to report for duty for which the petitioner workman replied that he was getting handsome remuneration as RTO broker and he was not willing to join the society for a daily wage of Rs.12 and that he did not require the job in the society. In the year 2001, the petitioner was informed to receive his membership amount with interest. The petitioner workman, who has slept over his right for years together, has chosen to submit a letter, dated 23-1-2002 to the respondent for reemployment in the society. The petitioner workman, who was disinterested to join duty all along, has submitted the said letter only on instigation and wrong advice and also to harass the management of the society. Hence, he prays for dismissal of the petition.

4. During enquiry, on the side of the petitioner, PW.1 was examined and Exs.P.1 to Exs.P.3 were marked. On the side of the respondent, RW1 was examined and Exs.R.1 to Ex.R.3 were marked by consent.

5. The point for consideration is:

Whether the dismissal of the petitioner workman is justified or not?

6. On this point:

This reference has been made by the Government to decide whether the non-employment of the petitioner workman by name Sengeni by the respondent management is justified or not? On appearance of petitioner and the management, they filed their respective claim statement as well as the counter.

7. It is admitted by both parties that the petitioner workman by name M. Sengeny was working in the respondent union as Clerk from 1982. It is also admitted by both parties that due to closure of AFT Mill in the year 1984 and consequent stoppage of business transaction of the respondent society, the petitioner was retrenched.

8. The contention of the petitioner is that consequent upon reopening of AFT mill, the respondent society was restarted. But they have not sent any call letter to him to inform about reopening of the society and to report for duty. He further contended that at the time of closing the respondent society, he was informed that whenever the respondent society is reopened, he would be recalled. But in spite of approaching the respondent society, he was not given employment.

9. In order to support his contention, the petitioner examined himself as PW.1 and Exs.P1 to Ex.P3 were marked. Ex.P1 is the copy of the letter sent by the Deputy Registrar (Consumers) to the Administrator, AFT Employees' Co-operative Credit Society. Ex.P1 would reveal that the permission was granted to create six posts of Junior Clerks and place the petitioner workman and five others in the said post. Ex.P2 is the copy of the resolution passed in the respondent society. Ex.P2 would reveal that the resolution has been passed to retrench the petitioner workman and six others from their society due to closure of AFT mills. A perusal of Ex.P2 would further show that the petitioner would be recalled whenever the respondent union is reopened. Ex.P3 is the copy of the letters sent by the petitioner workman to the respondent society.

10. On the side of the respondent, it is contended that on reopening of the AFT Mills, the business transaction of the respondent society has also restarted and the management of the society informed all its erstwhile employees to report for duty. In response to that, the petitioner workman and 8 others submitted a joint written representation, dated 31-3-1986, requesting the arrangement to reemploy them in the society. The respondent management obtained sanction from the Registrar, Pondicherry Co-operative Societies for reemployment

of six employees including the petitioner. But no call letter was sent to any of the said employees from the society.

11. In order to prove his contention, the respondent has marked Ex.R1 to Ex.R3. Ex.R1 is the copy of the letter, dated 31-3-1986 sent by the petitioner workman and 8 others to the respondent society, requesting them to give employment to them. Ex.R2 is the copy of the letter sent by the petitioner workman to the Registrar, Co-operative Department, Pondicherry, requesting them to give employment to him. Ex.R3 is the statement showing recoveries made and loan particulars.

12. Heard both sides. Perused the case records. PW.1 in his evidence has stated that the respondent society was reopened in the year 1986 and as per the resolution passed by the respondent society (Ex.P2), he has not been sent any call letter. In this regard, it is pertinent to refer Ex.P2, wherein it is stated as follows:—

“.....கீழே குறிப்பிடப்பட்டுள்ள எழுத்தர்கள், திருவாளர்கள் :
என்.எம். விஜயகுமார், சி. மருது, பி. சுந்தரம், எம்.செங்கேணி,
என். சண்முகம், என். எய்யாதிராஜன், மற்றும் எஸ். ஜெகன்
மோகன் ஆகியோர்களை 1984 முதல் பணியிலிருந்து
நிறுத்துவது என்றும் 1-4-1984 முதல் அவர்களுக்கு எத்தகைய
ஊதியமும் மற்றும் அதற்கான உதவித் தொகையும்
அறவேயில்லை என்பதையும், ஆனால் மற்ற எல்லா
சலுகைகளும் அவர்களுக்கு வழங்கப்படும் என்பதையும்
தெரிவித்துக்கொள்வதோடு, மில் திறந்து சங்க நிலைமை
சரியானவுடன் மீண்டும் அவர்களை அச்சங்கப் பணியில்
அவர்கள் வகித்து வந்த உரிய பதவிகளிலேயே அமர்த்திக்
கொள்வது என்றும் தீர்மானிக்கப்பட்டது.”

Hence, as per Ex.P2, the petitioner workman is entitled to get the employment after reopening the respondent society. But as admitted by the respondent society, they have not sent any call letter to the petitioner workman after reopening the society. The contention of the respondent is that no call letter was sent to any of the employees from the society and more than thousand employees have reported for duty on the basis of the announcement made by the Government in respect of the reopening of the mill. The said contention cannot be accepted by this court, since when a specific resolution has been passed under Ex.P2 to give employment to the petitioner workman and six others, it is bounden duty of the respondent society to send call letter to their employees to report for duty. But the respondent failed to do so.

13. Further the contention of the respondent is that the respondent society has restarted his functioning in the year 1986 and after a lapse of sixteen years, the petitioner workman has sought for

employment. The petitioner workman, who has disinterested to join duty all along has submitted the letter only on instigation and wrong advice and also to harass the management of the society.

14. But the petitioner and 8 others has sent a letter, which was marked as Ex.R1 to the respondent society to give employment to them and other benefits on 31-3-1986 itself. This would clearly show that the petitioner workman after knowing about reopening of the respondent society, sent a letter to the respondent society seeking for his employment. Hence, it is for the respondent to consider the request of the petitioner workman, though no call letter was sent to the petitioner workman. Hence, for the foregoing reasons, this court comes to the conclusion that the petitioner workman is entitled for reinstatement.

15. The next issue before me is:- Whether the petitioner is entitled to full back wages. This issue must be determined keeping in view the aforementioned background of the case. There can, however, be no doubt whatsoever that there has been a shift in the approach of this court in regard to payment of back wages. Back wages cannot be granted almost automatically upon *setting aside* an order of termination. The Hon'ble Apex Court and High Courts in a number of decisions opined that grant of back wages is not automatic. The burden of proof that he remained unemployed would be on the workmen keeping in view of the provisions contained in section 106 of the Evidence Act, 1972. This court in the matter of grant of back wages has laid down certain guidelines stating that therefore several factors are required to be considered including the nature of appointment; the mode of recruitment; the length of service.

16. It is also trite that for the purpose of grant of back wages, conduct of the concerned workman also plays a vital role. Each decision, as regards grant of back wages or the quantum thereof, would, therefore, depend on the facts of each case. It cannot be claimed as a matter of right. In this case, the petitioner during the course of cross-examination, has admitted that in the letter sent to the Registrar during the year 2002, he has mentioned that he was working. Considering the facts and circumstances of this case, this court comes to the conclusion that the petitioner workman is not entitled to get the full back wages and other benefits. The point is decided accordingly.

17. In the result, the industrial dispute is allowed in part to the aforesaid extent and the respondent is hereby directed to reinstate the petitioner workman by name M. Sengeni with continuity of service.

However, the petitioner workman is not entitled to get full back wages and other benefits. There is no order as to costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 13th day of April 2010.

E.M.K.S. SIDDHARTHAR,
Presiding Officer,
Labour Court, Pondicherry.

List of witnesses marked on the side of the petitioner :

PW.1 — 3-12-2009 Sengeni.

List of documents marked by the petitioners :

Ex.P.1 — Copy of the letter sent to the respondent society.

Ex.P.2 — Copy of the resolution passed by the respondent society, dated 16-3-1984.

Ex.P.3 — Copy of the letters sent by the petitioner to the respondent.

List of witnesses examined on the side of the respondent:

RW.1 — 19-3-2010 Sitrarasan.

List of documents marked by the respondent:

Ex.R.1 — Copy of the letter sent by the petitioner workman and other, dated 31-3-1986.

Ex.R.2 — Copy of the letter, dated 19-2-2004 sent by Sengeni to respondent society.

Ex.R.3 — Statement showing loan particulars and recoveries.

E.M.K.S. SIDDHARTHAR,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G. O. Rt. No. 151/AIL/Lab./J/2010, dated 13th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 30/2008, dated 16-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Group 4 Security Service (India) Private Limited, Puducherry and Thiru D. Ragavan, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with

the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT (II ADDITIONAL DISTRICT JUDGE) AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Friday, the 16th day of April 2010.

I.D. No. 30/2008

D. Ragavan,
No. 46, Thirumanjana Street,
Vadarangam, Elathoor(P.O.),
Sirgazihi, Nagapattinam District,
Tamil Nadu .. Petitioner.

Versus

The Managing Director,
M/s. Group 4 Security India
Private Limited, 100 Feet Road,
Sundararajan Nagar, Mudaliarpuram,
Puducherry .. Respondent.

This industrial dispute coming on this day for hearing before me, the petitioner called absent although his counsel M/s. Law Solvers is on record for him and Thiru K. Parthiban, Advocate for the respondent and after perusing the case records, this court passed the following :

ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, vide G.O. Rt. No. 143/AIL/Lab./J/2008, dated 10-9-2008 of the Labour Department, Pondicherry to resolve the following disputes:

(a) Whether the dispute raised by Thiru D. Ragavan against the management of M/s. Group 4 Security Service (India) Private Limited, Puducherry over his non-employment is justified or not?

(b) To what relief, Thiru D. Ragavan is entitled to?

(c) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. The industrial dispute was taken on file on 18-9-2008. Thiru K. Parthiban filed Form-F for respondent on 24-10-2008. M/s. Law Solvers filed memo of appearance for the petitioner on 2-4-2009 and the case was posted to 11-6-2009 for filing of claim statement. Thereafter, the case was adjourned for about 15 (fifteen) hearings on the following dates : 16-7-2009, 23-7-2009, 6-8-2009, 10-9-2009, 22-10-2009, 26-11-2009, 10-12-2009, 17-12-2009, 21-1-2010, 4-2-2010, 25-2-2010, 4-3-2010, 25-3-2010, 8-4-2010 for filing of claim statement and to 15-4-2010 for dismissal. On 15-4-2010, the counsel for the petitioner made an endorsement on the main industrial dispute that the petitioner may be called, but according to the management the petitioner workman had settled the matter. The said endorsement is recorded.

3. Petitioner called absent. Endorsement recorded. Satisfied. Hence, industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 16th day of April, 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G. O. Rt. No. 152/AIL/Lab./J/2010, dated 13th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 31/2007, dated 22-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. CIPLA Limited, Mumbai Central, Mumbai and Centre of Indian Trade Union (CITU), over non-employment of Thiru J. Rajesh has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT (II ADDITIONAL DISTRICT JUDGE) AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Thursday, the 22nd day of April 2010.

I.D. No. 31/2007

The Joint Secretary,
Centre of Indian Trade Union,
No. 42, Cuddalore Road,
Bharathi Mill Thittu, Mudaliarpur,
Puducherry-4 .. Petitioner.

Versus

The Managing Director,
M/s. CIPLA Limited, Mumbai Central,
Mumbai-400 008 .. Respondent.

This industrial dispute coming on this day for hearing before me, Thiru D. Soundararajan Advocate for the petitioner on record, the petitioner being called absent, Tvl. L. Swaminathan and I. Ilankumar, Advocates for the respondents on record, after perusing the case records, this court passed the following:

ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G.O. Rt. No. 147/2007/Lab./AIL/J, dated 6-11-2007 of the Labour Department, Pondicherry to resolve the following disputes:

(a) Whether the dispute raised by Centre of Indian Trade Union (CITU) regarding Thiru J. Rajesh against the management of M/s. CIPLA Limited, Mumbai Central, Mumbai is a workman or not?

(b) If yes, whether the dispute raised by the Centre of Indian Trade Union (CITU) over the termination of the services of Thiru J. Rajesh is justified or not?

(c) To what relief, Thiru J. Rajesh is entitled to?

(d) To compute the relief if any, awarded in terms of money, if it can be so computed?

2. The industrial dispute was taken on file on 13-11-2007 and notice was ordered to both parties. On 27-3-2008, Form-F for the respondent was filed. Thereafter, the case was adjourned to 28 (twenty-eight) hearings on the following dates: 19-6-2008, 21-8-2008, 15-10-2008, 10-12-2008, 8-1-2009, 19-12-2009, 26-3-2009, 24-4-2009,

18-6-2009, 9-7-2009, 16-7-2009, 23-7-2009, 6-8-2009, 10-9-2009, 22-10-2009, 12-11-2009, 3-12-2009, 10-12-2009, 17-12-2009, 7-1-2010, 21-1-2010, 4-2-2010, 18-2-2010, 4-3-2010 for appearance of the petitioner and claim statement. On 18-3-2010 and again on 8-4-2010, applications praying for extension of time was filed and allowed and posted to 15-4-2010 and 22-4-2010 for appearance of petitioner along with claim statement. Unfortunately the petitioner is a labour who claims to have been victimised by the respondent company, but the petitioner shows no interest in proceeding with the case and has not appeared before court till now. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial disputes is pending for 2 years 5½ months (two years and five and a half months) from 13-11-2007 to 22-4-2010. Despite sufficient opportunities given, the petitioner did not choose to appear before court and file his claim statement. This shows that the petitioner would have got employment in some other company and hence has lost interest in the matter. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence this court finds that there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, the industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 22nd day of April 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G. O. Rt. No. 153/AIL/Lab./J/2010, dated 13th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 35/2008, dated 11-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute raised by Thiru G. Ramasamy, President, CITU against the management of M/s. Image Colour Lab., Puducherry over non-employment of Thiru M. Ashraf Ussain and Thiru K. Deenadayalan has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with

the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT (II ADDITIONAL
DISTRICT JUDGE) AT PONDICHERRY**

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Thursday, the 11th day of March 2010.

I.D. No. 35/2008

1. M. Ashraf Ussain
2. K. Deenadayalan .. Petitioners

Versus

The Managing Director,
Nirmala, Image Colour Lab.,
No. 68, Kandappa Street,
Puducherry .. Respondent.

This industrial dispute coming on .this day for hearing before me, the petitioners called absent without any representation, though their counsel Thiru William Jerome Vincent is on record for them and Tvl.S.S.Thanasekaran and R.B.Sreedharane, Advocates on record for the respondent, after perusing the case records, this court passed the following:

ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G.O. Rt. No. 158/AIL/Lab./J/2008, dated 19-11-2008 of the Labour Department, Pondicherry to resolve the following disputes:

(a) Whether the dispute raised by Thiru G. Ramasamy, President, CITU against the management of M/s. Image Colour Lab., Puducherry, over non-employment of Thiru M. Ashraf Ussain and Thiru K. Deenadayalan is justified or not?

(b) To what relief, they are entitled to?

(c) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. The industrial dispute was taken on file on 4-12-2008. On 5-1-2009 vakalat for the petitioner and defendant was filed and the case was posted to 1-2-2009 for filing of claim statement. Thereafter, the case was adjourned to 16 (sixteen) hearings on the following dates: 26-3-2009, 23-4-2009, 11-6-2009, 16-7-2009, 23-7-2009, 6-8-2009, 10-9-2009, 22-10-2009, 26-11-2009, 10-12-2009, 17-12-2009, 21-1-2010, 4-2-2010, 25-2-2010, 4-3-2010 and 11-3-2010 for filing of claim statement. Unfortunately the petitioner is a labour, who claims to have been victimised by the respondent company, but the petitioner shows no interest in proceeding with the case. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial dispute is pending for 1 year 3 months (one year and three months) from 4-12-2008 to 11-3-2010. Despite sufficient opportunities given, the petitioner did not choose to appear before court and has not filed any claim statement. This shows that the petitioner would have got employment in some other company and hence has lost interest in the matter. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence this court finds that there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, the industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 11th day of March 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 154/AIL/Lab./J/2010, dated 15th July 2010)

NOTIFICATION

Whereas, the Award in I.D.No. 29/2004, dated 19-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. MNS Wood Works, Puducherry and Centre of Indian Trade Union (CITU) over non-employment of Thiru E. Velmurugan has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's

G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Monday, the 19th day of April 2010.

I.D. No. 29/2004

Velmurugan . . . Petitioner.

Versus

MNS Wood Works . . . Respondent.

This industrial dispute coming on this day for hearing before me in the presence of Thiru D. Soundararajan, counsel for the petitioner and on the side of the respondent, no representation was made upon perusing the case records, this court passed the following:—

AWARD

This industrial dispute arises out of the reference made by the Labour Department, Government of Pondicherry *vide* G. O. Rt. No. 92/2004/Lab./AIL/J, dated 1-7-2004 for adjudication of the following industrial dispute:—

(a) Whether the non-employment of the worker Thiru E. Velmurugan is justified or not ?

(b) Whether the claim of the employment against the management of M/s. MNS Wood Works, Pondicherry is justified or not?

(c) To what relief, the worker is entitled to?

(d) To compute the relief if any, awarded in terms of money, if it can be so computed?

2. On the side of the petitioner, the claim statement was filed on 22-11-2006 and posted for filing of the counter on 10-1-2007. Then the matter was posted for filing of the counter to 15-3-2007, 7-6-2007 and 26-7-2007. Since on the side of the respondent, no representation was made on 13-9-2007, the respondent was called absent and set *ex parte*. Then the matter was posted for filing the chief proof

affidavit of the petitioner. Accordingly, the petitioner filed his chief proof affidavit and he was examined as PW1 and marked Ex.P1 to Ex.P4. Satisfied. Claim proved. Hence, the industrial dispute is allowed and the respondent is hereby directed to reinstate the petitioner for employment immediately with full back wages and other attendant benefits with effect from 29-11-2003. However, there is no order as to costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 19th day of April 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

List of witnesses marked for the petitioner :

PW.1. — 8-4-2010 Velmurugan.

List of exhibits marked for the petitioner :

Ex.P1 — True copy of the letter by the petitioner, dated 1-12-2003.

Ex.P2 — Letter by the respondent to the petitioner, dated 4-12-2003.

Ex.P3 — Copy of the letter by the petitioner, dated 18-12-2003.

Ex.P4 — Copy of the letter by the petitioner, dated 27-1-2004.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 155/AIL/Lab./J/2010, dated 15th July 2010)

NOTIFICATION

Whereas, the Award in I.D.No. 7/2005, dated 19-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Embalam Co-operative Milk Producers' Society Limited, P. 281 and Thiru S. Anandan over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's

G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Monday, the 19th day of April 2010.

I.D. No. 7/2005

S. Anandan . . . Petitioner.

Versus

The President,
Embalam Co-operative Milk
Producers' Society Limited,
Embalam and Post, Pondicherry. . . Respondent.

This industrial dispute coming on this day for hearing before me in the presence of Thiruvalargal L. Swaminathan and I. Ilankumar, counsels for the petitioner and Thiru S. Rajagopalan, counsel for the respondent, upon perusing the case records, this court passed the following:—

AWARD

This industrial dispute arises out of the reference made by the Labour Department, Government of Pondicherry *vide* G.O. Rt. No. 160/2004/Lab./J, dated 21-12-2004 for adjudication of the following industrial dispute:—

(a) Whether the non-employment of Thiru S. Anandan by the management of M/s. Embalam Co-operative Milk Producers' Society Limited, P.281 is justified or not?

(b) To what relief, he is entitled to?

(c) To compute the relief if any, awarded in terms of money, if it can be so computed?

2. On the side of the petitioner, the claim statement was filed on 15-2-2007 and posted for filing of the counter on 22-3-2007. Then the matter was posted for filing of the counter to 22-3-2007, 21-6-2007, 9-8-2007, 13-9-2007, 15-11-2007, 24-1-2008, 20-3-2008, 12-6-2008.

7-8-2008, 13-10-2008, 11-12-2008, 9-1-2009, 12-2-2009, 19-3-2009, 16-4-2009, 4-6-2009, 2-7-2009, 13-8-2009, 17-9-2009, 5-11-2009, 12-11-2009, 26-11-2009, 3-12-2009, 10-12-2009, 17-12-2009, 7-1-2010, 21-1-2010, 4-2-2010, 11-2-2010, 25-2-2010, 4-3-2010, 11-3-2010, 18-3-2010 and 25-3-2010. But for the past three years in 34 (thirty-four) hearings, there was no representation from the respondent side.

This petition has been filed in the year 2005. For the past five years, there was no progress in this case. Hence, the matter was posted to 8-4-2010 for filing the chief proof affidavit of the petitioner and accordingly, the petitioner filed his chief proof affidavit and he was examined as PW1 and marked Ex.P1 to Ex.P12. Satisfied. Claim proved. Hence, the industrial dispute is allowed and the respondent is hereby directed to reinstate the petitioner into service with full back wages and other attendant benefits from the date of his termination *i.e.*, from 23-9-2003. However, there is no order as to costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 19th day of April 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

List of witnesses marked for the petitioner :

PW.1. — 8-4-2010 S. Anandan.

List of exhibits marked for the petitioner :

- Ex.P1 — Appointment order of the respondent, dated 1-4-2002.
- Ex.P2 — Copy of the resolution of Board of Directors, dated 21-4-2003.
- Ex.P3 — Letter of Dairy Development Officer to President, dated 6-6-2003.
- Ex.P4 — Conciliation application filed by the petitioner, dated 24-11-2003.
- Ex.P5 — Letter of Dairy Development Officer.
- Ex.P6 — Letter of President of respondent, dated 15-12-2003.
- Ex.P7 — Letter of petitioner to the Registrar, dated 5-3-2004.
- Ex.P8 — Letter of the petitioner to Labour Officer, dated 31-3-2004.
- Ex.P9 — Letter of petitioner, dated 27-7-2004.

Ex.P10 — Letter of members of the respondent, dated 13-12-2004.

Ex.P11 — Copy of the staff attendance register from February 2001 to December 2001.

Ex.P12 — Copy of pay bill of the society.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G. O. Rt. No. 156/AIL/Lab./J/2010, dated 15th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 26/2002, dated 4-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Nexus Computer, Puducherry and its workman Thiru T. Sherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Thursday, the 4th day of March 2010.

I.D. No. 26/2002

T. Sherry . . . Petitioner.

Versus

The Managing Director,
Nexus Computers, Pondicherry . . . Respondent.

This industrial dispute coming on this day for hearing before me, the petitioners called absent without any representation, though their counsel Thiru B. Mohandass is on record for him and Thiru G. Krishnan, Advocate for the respondent, after perusing the case records, this court passed the following:

ORDER

This industrial dispute arises out of the reference made by the Government of Pondicherry, *vide* G.O. Rt. No. 172/AIL/Lab./J/2002, dated 18-12-2002 of the Labour Department, Pondicherry, to resolve the following disputes, *viz.*,

1. Whether the non-employment of Thiru T. Sherry is justified or not? If not justified, what remedies he is entitled to?

2. To compute the relief, if any, awarded in terms of money, if it can be so computed.

2. The industrial dispute was taken on file on 20-12-2002. The petitioner appeared in person and filed claim statement and documents. Form-F for the respondent was filed on 5-3-2003. On 10-4-2003, the respondent filed counter statement and the matter was posted for enquiry on 21-4-2003 and then to 5-6-2003. On 5-6-2003, Thiru B. Mohandass, Advocate filed Form-F for the petitioner and though the matter was posted on 20-6-2003, 7-7-2003, 23-7-2003, 11-8-2003, 27-8-2003 for trial, the petitioner was not ready to get along with the trial. On 12-9-2003, the petitioner filed a rejoinder to the counter statement and the case was adjourned to 29-9-2003, 20-10-2003, 12-11-2003, 27-11-2003, 17-12-2003, 20-1-2004, 17-2-2004 as memo pending and then the case was adjourned for enquiry to 26-3-2004, 7-6-2004, 2-7-2004, 22-7-2004, 19-8-2004, 21-9-2004. Thereafter, the parties prayed adjournment on the ground of settlement and therefore, the case was adjourned for reporting settlement on the following dates: 12-10-2004, 9-11-2004, 9-12-2004, 21-1-2005, 24-1-2005, 7-3-2005, 21-4-2005, 23-6-2005, 8-8-2005, 7-10-2005, 14-12-2005, 15-2-2006, 25-4-2006, 30-6-2006, 13-9-2006, 23-11-2006, 29-12-2006, 9-2-2007, 19-3-2007, 7-6-2007. On 11-10-2007, on the petitioner's side Ex.P1 to P11 were marked on consent and the petitioners evidence was closed and the matter was adjourned for the respondents side evidence on 1-11-2007, 16-11-2007, 6-12-2007 and on 10-1-2008, the respondent side was closed and the matter was posted for argument on 31-1-2008 and on that day the case was adjourned to 21-2-2008. On 21-2-2008, the respondent filed I.A. to reopen his side for production of documents. Therefore, for deciding the I.A. the case was adjourned to 27-3-2008, 9-4-2008, 3-6-2008, 19-6-2008, 8-7-2008, 23-7-2008, 21-8-2008, 13-10-2008, 27-11-2008, 4-12-2008,

18-12-2008, 9-1-2009, 5-2-2009, 5-3-2009, 2-4-2009, 23-4-2009, 11-6-2009, 9-7-2009, 16-7-2009, 23-7-2009, 6-8-2009, 10-9-2009, 22-10-2009 and 12-11-2009. On 12-11-2009, IA's 97/2008, 98/2008, 99/2008, are allowed and summons were ordered to be issued to witnesses and the case was posted to . Summons was served on witness No. 3 alone and summons to 1st witness was returned, as there was no such company existing and therefore, fresh summons was ordered to witness No. 2 for which the case was adjourned to 10-12-2009, 17-12-2009, 7-1-2010, 21-1-2010 and 4-2-2010. On 4-2-2010, the case was adjourned for the appearance of petitioner or for dismissal to 11-2-2010 and then to 25-2-2010 and finally to 4-3-2010.

3. Today, *i.e.*, 4-3-2010 the petitioner was called absent and there is no representation for the petitioner. Unfortunately, the petitioner is a labour, who claims to have been victimised by the respondent company, but the petitioner shows no interest in proceeding with the case. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial dispute is pending for nearly 7 (seven) years and 3 months from 20-12-2002. Moreover, as per the endorsement made on the summons, the respondent company does not seem to exist. This shows that by this time, the petitioner would have got employment in some other company and the matter is being prolonged for namesake. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence, this court finds that there is no point in having the case pending on file and the industrial dispute deserves to be dismissed.

4. In the result, the industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 4th day of March 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY LABOUR DEPARTMENT

(G.O. Rt. No. 157/AIL/Lab./J/2010, dated 15th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 26/2005, dated 4-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Hidesign and Hides, Puducherry and Tmt. A. Suriyagandhi over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT (II ADDITIONAL DISTRICT JUDGE) AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Thursday, the 4th day of March 2010.

I.D. No. 26/2005

A. Suriyagandhi,
Mariyamman Koil Street,
Chinna Veerampattinam,
Pondicherry

. . Petitioner.

Versus

The Managing Director,
M/s. Hidesign and Hides,
Odiampet, Pondicherry.

. . Respondent.

This industrial dispute coming on this day for hearing before me, the petitioner called absent without any representation, though his counsel Thiru S. Srinivasa Perumal is on record for him, and with no representation on the other side and after perusing the case records, this court passed the following:

ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G. O. Rt. No.163/2005/Lab./AIL/J, dated 26-5-2005 of the Labour Department, Pondicherry to resolve the following disputes:—

(a) Whether Tmt. A.Suriyagandhi was refused employment by the management of M/s. Hidesign and Hides, Pondicherry?

(b) To what relief, the said Tmt. A. Suriyagandhi is entitled?

(c) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. The industrial dispute was taken on file on 1-9-2005 and notice was ordered to be issued to both parties. Since then, the case had been adjourned to 38 (thirty-eight) hearings on the following dates: 14-10-2005, 20-12-2005, 21-2-2006, 25-7-2006, 12-10-2006, 24-11-2006, 28-12-2006 and to 15-2-2007 awaiting notice but the respondent remained absent without any representation, then to 22-3-2007, 21-6-2007, 9-8-2007, 4-10-2007, 22-11-2007, 24-1-2008, 20-3-2008, 12-6-2008, 7-8-2008, 14-10-2008, 16-12-2008, 8-1-2009, 19-2-2009, 19-3-2009, 23-4-2009, 11-6-2009, 9-7-2009, 6-8-2009, 10-9-2009, 22-10-2009, 26-11-2009, 3-12-2009 for filing of claim statement of petitioner and Form-F of respondent and to 10-12-2009, 17-12-2009, 7-1-2010, 21-1-2010, 4-2-2010, 11-2-2010, 25-2-2010 and 4-3-2010 for appearance of the petitioner or for dismissal. Unfortunately the petitioner is a labour, who claims to have been victimised by the respondent company, but the petitioner shows no interest in proceeding with the case and has not appeared before court till now. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial dispute is pending for 4 years 6 months (four years and six months) from 1-9-2005 to 4-3-2010. Despite sufficient opportunities given, the petitioner did not choose to appear before court. This shows that the petitioner would have got employment in some other company and hence has lost interest in the matter. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence this court finds that there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, the industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 4th day of March 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 161/AIL/Lab./J/2010, dated 19th July 2010)

NOTIFICATION

Whereas, the Award in I.D. 1/2005, dated 25-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of

M/s. Sri Bharathi Mills, Puducherry and Dravida Panchalai Thozhilalar Munnetra Sangam over claiming of promotion in 'Oiler' category has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G. O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT (II ADDITIONAL DISTRICT JUDGE) AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Thursday, the 25th day of March 2010.

I.D. No. 1/2005

The President/Secretary,
Dravida Panchalai Thozhilalar
Munnetra Sangam, Mudaliarpeta,
Pondicherry . . . Petitioner.

Versus

The General Manager,
Sri Bharathi Mills,
Mudaliarpeta. . . Respondent.

This industrial dispute coming on this day for hearing before me, the petitioner and his counsel Thiru B. Mohandass, called absent, Ms. V. Usha, Advocate for the respondent and after perusing the case records, this court passed the following:

ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G. O. Rt. No. 151/2004/Lab./J, dated 20-12-2004 of the Labour Department, Pondicherry to resolve the following disputes:—

1. Whether the claim of the union that the seniority of Thiru R. Kuppusamy (T.No. 2441) was overlooked while considering Thiru Vincent (T.No. 2511)

for promotion to the post of 'Oiler' category and then to the post of 'Doffing Jobber'? If so, to give appropriate directions.

2. The industrial dispute was taken on file on 6-1-2005 and posted to 15-2-2005, ordering notice to both parties. Thiru B. Mohandass filed Form-F for the petitioner on 15-2-2005 and the matter was posted to 30-3-2005 for filing of claim statement. Thereafter, the case was adjourned for about 48 (forty-eight) hearings on the following dates: 30-6-2005, 29-8-2005, 9-11-2005, 25-1-2006, 30-3-2006, 5-6-2006, 26-7-2006, 13-10-2006, 27-11-2006, 19-1-2007, 30-1-2007 for filing of claim statement. Claim statement filed on 16-3-2007. The case was then adjourned to 14-6-2007, 9-8-2007, 13-9-2007, 15-11-2007, 24-1-2008, 13-3-2008, 24-4-2008, 10-7-2008, 25-7-2008, 2-9-2008, 7-11-2008, 4-12-2008, 18-12-2008, 9-1-2009, 19-2-2009, 19-3-2009, 23-4-2009, 5-6-2009 for filing of counter. Counter filed on 25-6-2009. The case was then adjourned for enquiry to 23-7-2009, 6-8-2009, 10-9-2009, 22-10-2009, 12-11-2009, 19-11-2009, 26-11-2009, 3-12-2009, 17-12-2009, 21-12-2009, 22-12-2009, 24-12-2009, 7-1-2010, 21-1-2010, 4-2-2010, 18-2-2010 and 25-3-2010. Unfortunately the petitioner is a labour, who claims to have been victimised by the respondent company, but the petitioner shows no interest in proceeding with the case and has not appeared before court till now. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial dispute is pending for 5 years and 3 months (five years and three months) from 6-1-2005 to 25-3-2010. Despite sufficient opportunities given, the petitioner did not choose to appear before court. This shows that the petitioner would have got employment in some other company and hence has lost interest in the matter. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence this court finds that there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, the industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 25th day of March 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.